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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,994	03/14/2002	Petrus Johannes Van Geijlswijk	Q68639	6466
23373	7590	05/25/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MAYES, MELVIN C	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,994

Applicant(s)

VAN GEIJLSWIJK, PETRUS
JOHANNES

Examiner

Melvin Curtis Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

(1)

Claims 1 and 7 are objected to because of the following informalities: line 13 should read “edge or strip” instead of “edge **of** strip.” Appropriate correction is required.

Claim Interpretation

(2)

Claim 9 claims “...clearly intended for carrying out the method according to claim 1” in the preamble. Claim 13 which depends from Claim 9 claims the application head is a brush, which according to the specification is used when the support belt is removed upstream of the application head. For purposes of examination, the device of Claim 9 is not limited to the method of claim 1 (where the support belt is urged towards the object by the application head and where the front side of the label is provided with an adhesive), since Claim 13 depends therefrom and the preamble language is intended use.

Claim Rejections - 35 USC § 112

(3)

Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 7 and 9 claim a “non-rounded angle.” The specification describes a relatively acute angle and a strip having a “point” (pg. 8, lines 9-16), however, this is not support for deflecting at a non-rounded angle. An acute angle is not inherently “non-rounded” and a “point” is not inherently “non-rounded.”

Claim Rejections - 35 USC § 103

(4)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(5)

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Mers 3,450,590.

La Mers discloses an apparatus for applying adhesive coated labels comprising: plunger 32 movable by plunger reciprocating apparatus 34 to apply labels to articles; drive gears for feeding a label web towards a take-up reel 30; and stripper plate having sharp edge 22E over which the label web is pulled (col. 2-3).

By providing a stripper plate having sharp edge over which a label web is pulled, an edge is obviously arranged upstream of the plunger (application head) comprising a contact surface which extends transversely with respect to the direction of movement of the web and provides a non-rounded angle in the path of the web and is capable of removing a support belt from the

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plunger (application head) towards the take-up reel (removal roll) for mechanical reduction of adhesion of labels to the support belt. By the plunger being reciprocal, the distance between the edge (stripper plate) and application head (plunger) is adjustable, as claimed in Claim 11.

(6)

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundell 5,264,066.

Lundell discloses a tire labeling apparatus comprising: a frame structure 200; an application roller 400 movable relative to the frame structure; a pinch roller assembly 560 for feeding a label carrier web from a supply reel to collection reel; and peel bar to effect a reverse bend of the carrier web to peel labels from the carrier web (col. 13-18).

By providing a peel bar to effect reverse bend of a carrier web carrying labels, the apparatus is obviously provided with an edge upstream of the application roller (head) in the path of a support belt (carrier web) in a stationary manner, in a direction transverse to the direction of movement of the support belt and providing a non-rounded angle in the path to deflect the support belt to obtain local deformation of the support belt and mechanical reduction of adhesion of labels to the support belt, as claimed.

Conclusion

(7)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

(8)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
May 21, 2004